

Civil Service Commission

1055 MONTEREY STREET, SUITE D250 ♦ SAN LUIS OBISPO, CALIFORNIA 93408 ♦ 805.781.5959

**The San Luis Obispo County Civil Service Commission
Regular Session Meeting
Wednesday August 3, 2011 @ 9:00 A.M.
1055 Monterey Street, Suite D-271, San Luis Obispo, CA**



MEMBERS OF THE COMMISSION

Jeannie Nix, President
Bill Tappan, Vice President
Robert Bergman
Jay Salter
Arthur Chapman

MINUTES

Present: President Jeannie Nix, Vice President Bill Tappan, Commissioner Art Chapman, Commissioner Robert Bergman

Absent: Commissioner Jay Salter

Staff: Commission Secretary Tami Douglas-Schatz, Commission Clerk Robin Mason

Counsel: Commission Counsel/ Rules Negotiator Stephen Shane Stark

1. Call to Order/ Flag Salute/ Roll Call

President Nix called the meeting to order at 9:00 A.M. and led the flag salute.

2. Public Comment Period

Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual. Being none, President Nix closed the public comment period.

3. Minutes

a. June 2, 2011 - Special

A motion to approve the June 2, 2011 Special meeting minutes as presented was made by Commissioner Chapman and seconded by Commissioner Tappan. The motion carried 4-0-1.

b. June 14, 2011 - Special

A motion to approve the June 14, 2011 Special meeting minutes as corrected was made by Commissioner Tappan and seconded by Commissioner Chapman. The motion carried 4-0-1.

c. June 28, 2011 - Regular

A motion to approve the June 28, 2011 Special meeting minutes as corrected was made by Commissioner Bergman and seconded by Commissioner Chapman. The motion carried 4-0-1.

d. July 7, 2011 - Special

A motion to approve the July 7, 2011 Special meeting minutes as presented was made by Commissioner Chapman and seconded by Commissioner Tappan. The motion carried 4-0-1.

e. July 14, 2011 - Special

A motion to approve the July 14, 2011 Special meeting minutes as presented was made by Commissioner Tappan and seconded by Commissioner Chapman. The motion carried 4-0-1.

Civil Service Commission

4.

Reports

Commission President

No report.

Commission Subcommittees

No report.

Commission Counsel

No report.

Commission Secretary

Commission Calendar

Tami Douglas-Schatz, Commission Secretary, stated that a prehearing had occurred for an appeal in the Department of Social Services. Ms. Douglas-Schatz requested October dates. She further stated that the parties requested four to five days for this hearing and that 24 witnesses are expected to appear; eight of which are joint witnesses. October 19, 20 and October 26, 27 were set for this Termination Appeal in the Department of Social Services.

Ms. Douglas-Schatz added that there is a second appeal pending in the Department of Social Services. She stated the prehearing is scheduled for August 15, 2011 and that two dates may be needed. Kimm Daniels, General Manager of SLOCEA requested that the parties refer to the first initial of the Appellant's last name; this second appeal was referred to as Appeal 'P'.

Ms. Douglas-Schatz also requested dates for a third appeal (Appeal 'L') in the Department of Social Services that is regarding a disciplinary matter and reported that the prehearing date is set for August 23, 2011.

President Nix invited Ms. Daniels to speak to her availability regarding scheduling these three appeal hearings. September 28th and 29th were set aside for Appeal 'L' and November 1st was set aside for Appeal 'P'.

RFP Process for Commission Counsel

Ms. Douglas-Schatz recommended the initiation of a Request for Proposal (RFP) for Commission Counsel. She suggested two members of the Commission join the selection panel, which also consists of County representatives from Human Resources and County Counsel. The panel would review the responses and the top candidate would be referred back to the Commission.

Commissioner Bergman suggested writing to the County Board of Supervisors to waive the RFP Process since Mr. Stark is already providing service at a reasonable rate. Commissioner Chapman supported the idea of writing a letter to the Board of Supervisors while moving forward with the RFP process.

Janette Pell, Director of the General Services Department, was invited to speak by President Nix and Tami Douglas-Schatz regarding the County's Purchasing Policy. After discussing the topic, the Commissioners supported the idea of writing a request to the Board of Supervisors for a Sole Source vendor. President Nix suggested holding off on the RFP process until the Commission receives a reply from the Board of Supervisors regarding their Sole Source request.

Civil Service Commission

Ms. Douglas-Schatz requested to be present in the closed session discussion on item 7 to make a statement and a request. The Commission granted Ms. Douglas-Schatz' request after Mr. Stark affirmed that it was reasonable to do so.

President Nix decided to take item 6 before item 5.

5. Commission Discussion on Individual Meetings with the Board of Supervisors

President Nix distributed an outline entitled, "Outline for Commission Reports, Discussion and Action Plan,"* (Attachment 1) dated August 3, 2011. President Nix stated that the outline was to be used to facilitate the discussion she wanted to have about recent meetings that each Commissioner had with their individual Board members. She then went through her outline and described the contents of her meeting with Chairman Adam Hill and expressed her thoughts on the meeting.

Commissioner Tappan reported on his meeting with Supervisor Paul Teixeira regarding the Supervisor's concerns and indicated that they were similar to what President Nix had just explained.

Commissioner Chapman reported on his meeting with Supervisor Bruce Gibson regarding the perceived CSC issues. Commissioner Chapman stated that specific information is needed in order to come up with solutions.

Mr. Stark, Commission Counsel, warned against discussing any conversations that occurred in closed session hearings that could be used to identify the contents of closed session or the identity of any witnesses.

Commissioner Bergman briefly commented upon his meeting with Supervisor Frank Mecham.

President Nix re-opened the public comment period with a caution to avoid using specific names.

Kimm Daniels, General Manager of SLOCEA addressed the Commission and stated that she was very surprised in reviewing the document provided by President Nix and stated her support for the Commission.

President Nix referenced budgetary concerns regarding commission counsel expenses.

Mr. Stark provided his opinion on Commission budgetary matters and President Nix commented that the CSC wants to be good stewards of taxpayer funds.

President Nix referenced the outline regarding allegations of inappropriate questioning of witness and Commissioner Chapman stated that some specifics cannot be discussed in open session. Mr. Stark discussed laws about holding closed sessions.

Commissioner Bergman requested the Government Code section under which the Board of Supervisors met in closed session to discuss Commission issues. Ms. Douglas-Schatz stated that she would relay his request to the Board of Supervisors and to County Counsel.

Civil Service Commission

Ms. Douglas-Schatz stated, "I have been directed by the Board of Supervisors to relay their expectations that we work together to clarify roles and responsibilities including budgetary and administrative responsibilities and to build trust among the Commission, Human Resources, County Counsel and other County Departments. It is recommended that we initiate this discussion by working with the Board and County Counsel one on one to further define expectations and identify the proper forum in which to tackle these issues."

President Nix stated that despite the specifics not being immediately available, The Commission is very interested in addressing the allegations. President Nix further stated that she would like to know if it is necessary to schedule a Closed Session in order to be apprised of any legal complaint.

Mr. Stark stated that he did not believe any lawsuit was pending. Mr. Stark also explained that his duty as the CSC Attorney is to represent the Commission as a whole, not individual commissioners, and he expressed that he needs to be able to have candid conversations with Rita Neal, Assistant County Counsel. President Nix stated that the Commission appears to need legal representation and asked for authorization to utilize Mr. Stark's services. Ms. Douglas-Schatz affirmed that Mr. Stark should collaborate with Ms. Neal.

President Nix made a motion that Mr. Stark represent the Commission on this issue and allow Commission Counsel to consult with Ms. Neal. Commissioner Chapman moved to approve; Commissioner Tappan seconded the motion to authorize Mr. Stark to represent the Commission in this matter and confer with Rita Neal and Tami Douglas-Schatz so he is able to gather facts and proceed; the motion carried: 4-0-1.

President Nix referred to item E of her outline and expressed the desire to work together and asked if anyone had any additional goals to add under item E(1) then moved to item E(2). Commissioner Tappan stated that all parties seem to have the same desired outcomes. Commissioner Chapman requested that an agenda item be added for the August 24, 2011 to address the status of the process of reaching a desirable outcome in this matter.

President Nix called a break at 11:09 A.M. before addressing item 7.

6. Job Class Specifications - New

Ken Tasseff, Personnel Analyst, explained that he was sitting in for Personnel Analyst, Mark McKibben. Mr. Tasseff introduced Guy Savage from the Information Technology Department of the General Services Agency. Mr. Savage explained the need for a new job specification of Geographic Information Program Manager. After addressing the Commission's questions regarding the job specification, President Nix complimented Mr. McKibben's well-written specification.

Commissioner Chapman moved to approve the request for the new job specification of Geographic Information Program Manager as written; the motion was seconded by Commissioner Bergman; the motion carried 4-0-1.

Civil Service Commission

7. Closed Session (per Government Code Section 54956.9): Consideration of motions by the parties and scheduling of hearing on motions regarding Appeal #A09-025

The Commission adjourned into closed session regarding the matter at 11:29 A.M. and upon reconvening into open session at 12:22 P.M., President Nix reported that direction was given to counsel and dates were set. She further stated that the date for the CSC to hear motion arguments was confirmed for August 29, 2011. Mr. Stark stated, "September 7th and 8th were reserved for any motion or other matters that arise from the prehearing conference or are left over from the recusal motions." President Nix reported that September 22nd and 23rd were reserved for the evidentiary portion of the hearing.

8. Closed Session (per Government Code Section 54956.9): Conference with Legal Counsel regarding Continued Deliberations for Appeal #A10-004

The Commission adjourned into closed session at 12:25 P.M. and upon reconvening into open session at 1:10 P.M., President Nix reported that the following Findings and Decision, based on finding of fact, was rendered by the Commission: The appeal of termination was granted in part and denied in part. The discipline was modified from termination to a 15 day suspension with back pay less the 15 day suspension. She directed that a copy of this Findings and Decision be placed in the employee's personnel file. Commissioner Tappan moved for approval; seconded by Commissioner Chapman.

Roll Call Vote:

President Nix	Yes
Commissioner Bergman	Yes
Commissioner Chapman	Yes
Vice President Tappan	Yes
Commissioner Salter	Absent

President Nix directed the Commission Secretary to disseminate the Findings and Decision to parties since they are not present.

9. Adjournment

The meeting was adjourned by President Nix at 1:13 P.M.

** Note: These minutes reflect official action of the Civil Service Commission. A digital record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*

✱ ATTACHMENT 1

OUTLINE FOR COMMISSION REPORTS, DISCUSSION and ACTION PLAN

August 3, 2011

DISCUSSION PROCEDURE:

- A. Commissioner Reports:** Each commissioner in turn will have an opportunity to share topics addressed in their meeting. **CAUTION: DO NOT** specifically reference any names, hearings or closed session discussions
- B. Review the Issues Raised:**
1. *Expenses for outside legal counsel;*
 2. *Allegations of Inappropriate questioning of witnesses / witnesses threatening legal action:* It is my [Jeannie Nix] understanding from Adam Hill that Ms. Douglas-Schatz brought the topics up to the Board of Supervisors during a closed session.
 - What specific questions by the Commission are alleged to be so inappropriate as to cause threats of legal action.
 - The Commission needs to be provided with the specific “record” of what the alleged inappropriate questioning is.
 - Is there pending legal action against the Commission?
 - Is there a pending grievance / appeal against the Commission?
 - If the complaint is less formal, what is the specific complaint?
 3. *Department Heads perceive the Commission as biased*
 - Why?
 - Are there specific incidents where actual bias is alleged?
 4. *Commission “out of Control”; failure to seek / accept the advice of the HR Director.*
 5. *Additional Issues from Commissioners;*
- C. Commissioners Questions of the HR Director:**
- D. Authorize Mr Stark to provide the Commission with necessary legal assistance**
- E. Agree on Commission Goals and desired outcomes:** For purposes of discussion I have listed some outcomes. Let’s use this as a starting point to refine / agree on our goals and the process to accomplish them.
1. *Goals and Desired Outcomes:*
 - Clear the integrity of the Commission
 - Put “the process” of providing due process in hearings and the process of effective, efficient and professional working relationship before “personalities”
 - The Commission and HR Director need to be clear on our separate roles and responsibilities.
 - The Commission and HR Director work together to communicate better and forge a better working relationship that benefits the County and Civil Service hearing process.
 2. *Process for Proceeding;*
 - Establish a procedure / process to gather specifics; address the issues;
 - Name clearing due to allegations against the integrity of the Commissioners.
 - If any missteps are found to have occurred, set in place a methodology to make corrections
 3. *Set a time line for Reporting Back.*